IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI JUSTICE G. BIKSHAPATHY

and
HON'BLE SRI JUSTICE P.S.NARAYANA

W.P.NOS. 18273 & 18381 OF 2004:

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WRIT PETITION NO : 18273 of 2004

Between:

D.Gopala Krishna, S/o.Narasimha Rao,
Unemployee, R/o.plot No.12, F.C.I., Colony, Vanasthalipuram,
RR Dist.

..... PETITIONER

AND

1 The Govt. of A.P., rep. by its Secretary, General Admn.,
Dept., Secretariat, Hyderabad.
2 The Secretary, A.P. Public Service Commission,
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of certiorari

calling for the records relating to the order of the Administrative Tribunal in O.A.No.5447 of 2004, dt. 29-9-2004 read with the supplementary notification No.6 of 2004, dated 7-8-2004 to notification No.21 of 2003, dated 13-11-2003 issued by the A.P. Public Service Commission and set-aside the same insofar as prescribing the maximum age limit of 33 years instead of 34 years as on 1-7-1999 and consequently hold that the petitioner is entitled to participate in the process of selection pursuant to the supplementary notification No.6 of 2004, dated 7-8-2004 with all consequential benefits.

Counsel for the Petitioner : MR.P.NARASIMHA

Counsel for the Respondents : GP FOR SERVICES I

WRIT PETITION NO : 18381 of 2004

Between:

D.V.S.S. Subrahmanyam, s/o Laxmana Sastry,
(Date of Birth 21-8-1965) Lecturer, Nizam Institute of Engineering & Technology, R/o 3-6-312,
Venchar 1, S.B.H. Colony, L.B. Nagar, Hyderabad.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, rep. by its Secretary, General Administration Department,
Secretariat, Hyderabad.
2 The Secretary, Andhra Pradesh Public Service Commission, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ , order or direction more in the nature of Certiorari calling for the records relating to the Order of the Administrative Tribunal in O.A.No. 4890 of 2004, dt. 29-9-2004 read with the Supplementary Notification No.6 of 2004, dated 7-8-2004 to Notification No. 21 of 2003, dated 13-11-2003 issued by the A.P. Public Service Commission and set aside quash the same insofar as prescribing the maximum age limit of 33 years instead of 34 years as on 1--7-1999 and consequently hold that the petitioner is entitled to participate in the process of selection pursuant to the Supplementary

Notification No.6 of 2004, dated 7-8-2004 with all consequential benefits.

Counsel for the Petitioner : MR.P.NARASIMHA

Counsel for the Respondents: GP FOR SERVICES I.

The Court made the following :

ORAL ORDER:

(per Hon'ble Sri Justice G. Bikshapathy)

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1 . Both the writ petitions can be disposed of by common order as the petitioners are seeking to reckon the maximum age limit as on 01.07.1999 for applying to Group I Services. The O.As filed by the petitioners for the said relief were dismissed by the Tribunal with the following observations:

> " 3. I am afraid, such a contention cannot be accepted in view of Rule 12(v) of A.P. State and Subordinate Service Rules, which reads as follows:
>
> > 'No person shall be eligible for direct recruitment if he is less than 18 years of age and unless otherwise specified in the special or ad hoc rules and if he is more than 33 years of age as on the 1st day of July of the year in which the notification for selection to the relevant post, category or class or a service is made'.
>
> 4. As far as the present ad hoc rule is concerned, it is made as a one time measure and is applicable to the supplementary notification No.6 of 2004. Obviously, as per Rules, 33 years is the upper age limit.
>
> 5. In view of this rule position, the request of the applicant cannot be considered and there are no merits in the O.A., and it is accordingly dismissed. No costs".

2. The learned counsel for the petitioners, however, submits that on earlier occasion the age was reckoned as 34 years as on the cut off date and for the

present there was a change in the present set up and therefore the Tribunal ought to have allowed the O.As. This contention was considered by the Tribunal and the Tribunal observed that it is only a one time measure which is applicable to supplementary notification and obviously which conforms to the rule prescribing the upper age limit as 33 years. Thus, we do not find any ground to interfere with the impugned orders.

3. In the result, writ petitions are dismissed. No costs.

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G. BIKSHAPATHY. J.,

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P.S. NARAYANA. J.,

Dated: 13.12.2004.

VRK.

To

1 The Secretary to Government, General Admn.,
Dept., Secretariat, Hyderabad.
2 The Secretary, A.P. Public Service Commission,
Hyderabad.

3. Two CCs to G.P. for Services I, High Court Buildings,
Hyderabad (OUT).

4. Two CD copies.

5. The Registrar, A.P. Administrative Tribunal, Hyderabad.

HON'BLE SRI JUSTICE G. BIKSHAPATHY

AND

HON'BLE SRI JUSTICE P.S. NARAYANA.

W.P.NO. 18273 & 18381 OF 2004.

(Order of the Bench delivered by

Hon'ble Sri Justice G. Bikshapathy)

Dt: 13.12.2004.